

SENATE BILL No. 223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases compensation for permanent partial impairment.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 223

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-3-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) ~~With respect to~~
3 ~~injuries in the following schedule occurring prior to April 1, 1951, the~~
4 ~~employee shall receive in addition to temporary total disability benefits~~
5 ~~not exceeding twenty-six (26) weeks on account of the injuries; a~~
6 ~~weekly compensation of fifty-five percent (55%) of the employee's~~
7 ~~average weekly wages. With respect to injuries in the following~~
8 ~~schedule occurring on and after April 1, 1951, and prior to July 1,~~
9 ~~1971, the employee shall receive in addition to temporary total~~
10 ~~disability benefits not exceeding twenty-six (26) weeks on account of~~
11 ~~the injuries; a weekly compensation of sixty percent (60%) of the~~
12 ~~employee's average weekly wages. With respect to injuries in the~~
13 ~~following schedule occurring on and after July 1, 1971, and before July~~
14 ~~1, 1977, the employee shall receive in addition to temporary total~~
15 ~~disability benefits not exceeding twenty-six (26) weeks on account of~~
16 ~~the injuries; a weekly compensation of sixty percent (60%) of the~~
17 ~~employee's average weekly wages not to exceed one hundred dollars~~

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(~~\$100~~) average weekly wages, for the periods stated for the injuries. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of his average weekly wages, not to exceed one hundred twenty-five dollars (~~\$125~~) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule **set forth in subsection (d)** occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury.

(b) With respect to injuries in the ~~following~~ schedule **set forth in subsection (d)** occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

(c) With respect to injuries in the ~~following~~ schedule **set forth in subsection (d)** occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand

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by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, and for loss occurring before April 1, 1959, by separation of the foot below the knee joint one hundred fifty (150) weeks and of the leg above the knee joint two hundred (200) weeks; for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in

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1 lieu of all other compensation on account of the injuries a weekly
 2 compensation of sixty percent (60%) of the employee's average weekly
 3 wages. With respect to injuries in the following schedule occurring on
 4 and after April 1, 1955, and prior to July 1, 1971, the employee shall
 5 receive in addition to temporary total disability benefits not exceeding
 6 twenty-six (26) weeks on account of the injuries, a weekly
 7 compensation of sixty percent (60%) of the employee's average weekly
 8 wages. With respect to injuries in the following schedule occurring on
 9 and after July 1, 1971, and before July 1, 1977, the employee shall
 10 receive in addition to temporary total disability benefits not exceeding
 11 twenty-six (26) weeks on account of the injuries, a weekly
 12 compensation of sixty percent (60%) of the employee's average weekly
 13 wages, not to exceed one hundred dollars (\$100) average weekly
 14 wages, for the period stated for such injuries respectively. With respect
 15 to injuries in the following schedule occurring on and after July 1,
 16 1977, and before July 1, 1979, the employee shall receive, in addition
 17 to temporary total disability benefits not exceeding twenty-six (26)
 18 weeks on account of the injury, a weekly compensation of sixty percent
 19 (60%) of the employee's average weekly wages not to exceed one
 20 hundred twenty-five dollars (\$125) average weekly wages, for the
 21 period stated for the injury.

22 (e) With respect to injuries in the following schedule **set forth in**
 23 **subsection (h)** occurring on and after July 1, 1979, and before July 1,
 24 1988, the employee shall receive, in addition to temporary total
 25 disability benefits not exceeding fifty-two (52) weeks on account of the
 26 injury, a weekly compensation of sixty percent (60%) of the employee's
 27 average weekly wages not to exceed one hundred twenty-five dollars
 28 (\$125) average weekly wages for the period stated for the injury.

29 (f) With respect to injuries in the following schedule **set forth in**
 30 **subsection (h)** occurring on and after July 1, 1988, and before July 1,
 31 1989, the employee shall receive, in addition to temporary total
 32 disability benefits not exceeding seventy-eight (78) weeks on account
 33 of the injury, a weekly compensation of sixty percent (60%) of the
 34 employee's average weekly wages, not to exceed one hundred sixty-six
 35 dollars (\$166) average weekly wages, for the period stated for the
 36 injury.

37 (g) With respect to injuries in the following schedule **set forth in**
 38 **subsection (h)** occurring on and after July 1, 1989, and before July 1,
 39 1990, the employee shall receive, in addition to temporary total
 40 disability benefits not exceeding seventy-eight (78) weeks on account
 41 of the injury, a weekly compensation of sixty percent (60%) of the
 42 employee's average weekly wages, not to exceed one hundred

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eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(h) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection ~~(a)(3)~~; **(d)(3)**, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection ~~(a)(4)~~; **(d)(4)**, compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not

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exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(c)~~ (i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection ~~(d)~~ (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss

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of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection ~~(a)(3)~~, **(h)(4)**, the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or

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1 glasses would result in one hundred percent (100%) loss of
 2 vision, then compensation shall be paid for fifty percent (50%) of
 3 the total loss of vision without glasses, plus an additional amount
 4 equal to the proportionate amount of the reduction with glasses,
 5 not to exceed an additional fifty percent (50%).

6 (13) For any permanent reduction of the hearing of one (1) or both
 7 ears, less than the total loss as specified in subsection ~~(a)(4)~~;
 8 **(h)(5)**, compensation shall be paid in an amount proportionate to
 9 the degree of a permanent reduction.

10 (14) In all other cases of permanent partial impairment,
 11 compensation proportionate to the degree of a permanent partial
 12 impairment, in the discretion of the worker's compensation board,
 13 not exceeding one hundred (100) degrees of permanent
 14 impairment.

15 (15) In all cases of permanent disfigurement which may impair
 16 the future usefulness or opportunities of the employee,
 17 compensation, in the discretion of the worker's compensation
 18 board, not exceeding forty (40) degrees of permanent impairment
 19 except that no compensation shall be payable under this
 20 subdivision where compensation is payable elsewhere in this
 21 section.

22 ~~(d)~~ **(j)** Compensation for permanent partial impairment shall be paid
 23 according to the degree of permanent impairment for the injury
 24 determined under subsection ~~(c)~~ **(i)** and the following:

25 (1) With respect to injuries occurring on and after July 1, 1991,
 26 and before July 1, 1992, for each degree of permanent impairment
 27 from one (1) to thirty-five (35), five hundred dollars (\$500) per
 28 degree; for each degree of permanent impairment from thirty-six
 29 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
 30 degree of permanent impairment above fifty (50), one thousand
 31 five hundred dollars (\$1,500) per degree.

32 (2) With respect to injuries occurring on and after July 1, 1992,
 33 and before July 1, 1993, for each degree of permanent impairment
 34 from one (1) to twenty (20), five hundred dollars (\$500) per
 35 degree; for each degree of permanent impairment from
 36 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 37 per degree; for each degree of permanent impairment from
 38 thirty-six (36) to fifty (50), one thousand three hundred dollars
 39 (\$1,300) per degree; for each degree of permanent impairment
 40 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 41 degree.

42 (3) With respect to injuries occurring on and after July 1, 1993,

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1 and before July 1, 1997, for each degree of permanent impairment
2 from one (1) to ten (10), five hundred dollars (\$500) per degree;
3 for each degree of permanent impairment from eleven (11) to
4 twenty (20), seven hundred dollars (\$700) per degree; for each
5 degree of permanent impairment from twenty-one (21) to
6 thirty-five (35), one thousand dollars (\$1,000) per degree; for
7 each degree of permanent impairment from thirty-six (36) to fifty
8 (50), one thousand four hundred dollars (\$1,400) per degree; for
9 each degree of permanent impairment above fifty (50), one
10 thousand seven hundred dollars (\$1,700) per degree.

11 (4) With respect to injuries occurring on and after July 1, 1997,
12 and before July 1, 1998, for each degree of permanent impairment
13 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
14 degree; for each degree of permanent impairment from eleven
15 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
16 for each degree of permanent impairment from thirty-six (36) to
17 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
18 for each degree of permanent impairment above fifty (50), one
19 thousand seven hundred dollars (\$1,700) per degree.

20 (5) With respect to injuries occurring on and after July 1, 1998,
21 and before July 1, 1999, for each degree of permanent impairment
22 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
23 degree; for each degree of permanent impairment from eleven
24 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
25 for each degree of permanent impairment from thirty-six (36) to
26 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
27 for each degree of permanent impairment above fifty (50), one
28 thousand seven hundred dollars (\$1,700) per degree.

29 (6) With respect to injuries occurring on and after July 1, 1999,
30 and before July 1, 2000, for each degree of permanent impairment
31 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
32 for each degree of permanent impairment from eleven (11) to
33 thirty-five (35), one thousand one hundred dollars (\$1,100) per
34 degree; for each degree of permanent impairment from thirty-six
35 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
36 degree; for each degree of permanent impairment above fifty (50),
37 two thousand dollars (\$2,000) per degree.

38 (7) With respect to injuries occurring on and after July 1, 2000,
39 and before July 1, 2001, for each degree of permanent impairment
40 from one (1) to ten (10), one thousand one hundred dollars
41 (\$1,100) per degree; for each degree of permanent impairment
42 from eleven (11) to thirty-five (35), one thousand three hundred

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dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, **and before July 1, 2006**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2006, and before July 1, 2007, each degree of permanent impairment from one (1) to ten (10), one thousand four hundred thirty dollars (\$1,430) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand six hundred fifty dollars (\$1,650) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand six hundred forty dollars (\$2,640) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

(10) With respect to injuries occurring on and after July 1, 2007, and before July 1, 2008, each degree of permanent impairment from one (1) to ten (10), one thousand five hundred seventy-three dollars (\$1,573) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand eight hundred fifteen dollars (\$1,815) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand nine hundred four dollars (\$2,904) per degree; for each degree of permanent impairment above fifty (50), three thousand six hundred thirty dollars (\$3,630) per degree.

(11) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, each degree of permanent impairment from one (1) to ten (10), one thousand seven hundred thirty dollars (\$1,730) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35),

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one thousand nine hundred ninety-seven dollars (\$1,997) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand one hundred ninety-four dollars (\$3,194) per degree; for each degree of permanent impairment above fifty (50), three thousand nine hundred ninety-three dollars (\$3,993) per degree.

(12) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, each degree of permanent impairment from one (1) to ten (10), one thousand nine hundred three dollars (\$1,903) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred ninety-seven dollars (\$2,197) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred thirteen dollars (\$3,513) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred ninety-two dollars (\$4,392) per degree.

(13) With respect to injuries occurring on and after July 1, 2010, each degree of permanent impairment from one (1) to ten (10), two thousand ninety-three dollars (\$2,093) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand four hundred seventeen dollars (\$2,417) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand eight hundred sixty-four dollars (\$3,864) per degree; for each degree of permanent impairment above fifty (50), four thousand eight hundred thirty-one dollars (\$4,831) per degree.

~~(c)~~ (k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(c)~~ (i) and ~~(d)~~ (j) shall not exceed the following:

- (1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to injuries occurring on or after July 1, 1998, and

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before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, eight hundred eighty-two dollars (\$882).

SECTION 2. IC 22-3-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

(1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;

(2) the status of the investigation on the date the petition is filed;

(3) the facts or circumstances that are necessary to make a

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determination; and

(4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

(1) the employee has returned to work;

(2) the employee has died;

(3) the employee has refused to undergo a medical examination under section 20 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

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(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work

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there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which ~~he~~ **the employee** is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period

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shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease in the following schedule; the employee shall receive in lieu of all other compensation, on account of such disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages:

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages not to exceed one hundred dollars (\$100) average weekly wages; for the period stated for such disabilities respectively:

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages; not to exceed one hundred twenty-five dollars (\$125) average weekly wages; for the period stated for the disabilities:

(g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

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(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

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(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule

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to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection ~~(h)~~ (I) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire

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finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment,

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compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(h)~~ (l) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection ~~(d)~~ (k) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one

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thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, **and before July 1, 2006**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent

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1 impairment from eleven (11) to thirty-five (35), one thousand five
 2 hundred dollars (\$1,500) per degree; for each degree of
 3 permanent impairment from thirty-six (36) to fifty (50), two
 4 thousand four hundred dollars (\$2,400) per degree; for each
 5 degree of permanent impairment above fifty (50), three thousand
 6 dollars (\$3,000) per degree.

7 **(9) With respect to injuries occurring on and after July 1,**
 8 **2006, and before July 1, 2007, each degree of permanent**
 9 **impairment from one (1) to ten (10), one thousand four**
 10 **hundred thirty dollars (\$1,430) per degree; for each degree of**
 11 **permanent impairment from eleven (11) to thirty-five (35),**
 12 **one thousand six hundred fifty dollars (\$1,650) per degree; for**
 13 **each degree of permanent impairment from thirty-six (36) to**
 14 **fifty (50), two thousand six hundred forty dollars (\$2,640) per**
 15 **degree; for each degree of permanent impairment above fifty**
 16 **(50), three thousand three hundred dollars (\$3,300) per**
 17 **degree.**

18 **(10) With respect to injuries occurring on and after July 1,**
 19 **2007, and before July 1, 2008, each degree of permanent**
 20 **impairment from one (1) to ten (10), one thousand five**
 21 **hundred seventy-three dollars (\$1,573) per degree; for each**
 22 **degree of permanent impairment from eleven (11) to**
 23 **thirty-five (35), one thousand eight hundred fifteen dollars**
 24 **(\$1,815) per degree; for each degree of permanent**
 25 **impairment from thirty-six (36) to fifty (50), two thousand**
 26 **nine hundred four dollars (\$2,904) per degree; for each**
 27 **degree of permanent impairment above fifty (50), three**
 28 **thousand six hundred thirty dollars (\$3,630) per degree.**

29 **(11) With respect to injuries occurring on and after July 1,**
 30 **2008, and before July 1, 2009, each degree of permanent**
 31 **impairment from one (1) to ten (10), one thousand seven**
 32 **hundred thirty dollars (\$1,730) per degree; for each degree of**
 33 **permanent impairment from eleven (11) to thirty-five (35),**
 34 **one thousand nine hundred ninety-seven dollars (\$1,997) per**
 35 **degree; for each degree of permanent impairment from**
 36 **thirty-six (36) to fifty (50), three thousand one hundred**
 37 **ninety-four dollars (\$3,194) per degree; for each degree of**
 38 **permanent impairment above fifty (50), three thousand nine**
 39 **hundred ninety-three dollars (\$3,993) per degree.**

40 **(12) With respect to injuries occurring on and after July 1,**
 41 **2009, and before July 1, 2010, each degree of permanent**
 42 **impairment from one (1) to ten (10), one thousand nine**

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hundred three dollars (\$1,903) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand one hundred ninety-seven dollars (\$2,197) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand five hundred thirteen dollars (\$3,513) per degree; for each degree of permanent impairment above fifty (50), four thousand three hundred ninety-two dollars (\$4,392) per degree.

(13) With respect to injuries occurring on and after July 1, 2010, each degree of permanent impairment from one (1) to ten (10), two thousand ninety-three dollars (\$2,093) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand four hundred seventeen dollars (\$2,417) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand eight hundred sixty-four dollars (\$3,864) per degree; for each degree of permanent impairment above fifty (50), four thousand eight hundred thirty-one dollars (\$4,831) per degree.

~~(j)~~ (m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(g)~~ (k) and ~~(h)~~ (l) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1,

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2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, eight hundred eighty-two dollars (\$882).

(f) (n) If any employee, only partially disabled, refuses employment suitable to ~~his~~ **the employee's** capacity procured for ~~him~~, ~~he~~ **the employee, the employee** shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(k) (o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which ~~he~~ **the employee** suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(h) (p) If an employee suffers a disablement from occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, ~~he~~ **the employee** shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in

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subsection ~~(g)(1), (g)(4), (g)(5), (g)(8), or (g)(9)~~; **(k)(1), (k)(4), (k)(5), (k)(8), or (k)(9)**, but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

~~(m)~~ **(q)** If an employee receives a permanent disability from occupational disease such as specified in subsection ~~(g)(1), (g)(4), (g)(5), (g)(8), or (g)(9)~~ **(k)(1), (k)(4), (k)(5), (k)(8), or (k)(9)** after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

~~(n)~~ When an employee has been awarded or is entitled to an award of compensation for a definite period under this chapter for disability from occupational disease; which disablement occurs on and after April 1, 1951; and prior to April 1, 1963; and such employee dies from any other cause than such occupational disease; payment of the unpaid balance of such compensation, not exceeding three hundred (300) weeks; shall be made to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter; and compensation, not exceeding five hundred (500) weeks; shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

~~(o)~~ **(s)** Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board,

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1 be deducted from the amount to be paid as compensation, but such
 2 deduction shall be made from the distal end of the period during which
 3 compensation must be paid, except in cases of temporary disability.

4 ~~(p)~~ (t) When so provided in the compensation agreement or in the
 5 award of the worker's compensation board, compensation may be paid
 6 semimonthly, or monthly, instead of weekly.

7 ~~(q)~~ (u) When the aggregate payments of compensation awarded by
 8 agreement or upon hearing to an employee or dependent under eighteen
 9 (18) years of age do not exceed one hundred dollars (\$100), the
 10 payment thereof may be made directly to such employee or dependent,
 11 except when the worker's compensation board shall order otherwise.

12 (v) Whenever the aggregate payments of compensation, due to any
 13 person under eighteen (18) years of age, exceed one hundred dollars
 14 (\$100), the payment thereof shall be made to a trustee, appointed by the
 15 circuit or superior court, or to a duly qualified guardian, or, upon the
 16 order of the worker's compensation board, to a parent or to such minor
 17 person. The payment of compensation, due to any person eighteen (18)
 18 years of age or over, may be made directly to such person.

19 ~~(r)~~ (w) If an employee, or a dependent, is mentally incompetent, or
 20 a minor at the time when any right or privilege accrues to the employee
 21 under this chapter, the employee's guardian or trustee may, in the
 22 employee's behalf, claim and exercise such right and privilege.

23 ~~(s)~~ (x) All compensation payments named and provided for in this
 24 section, shall mean and be defined to be for only such occupational
 25 diseases and disabilities therefrom as are proved by competent
 26 evidence, of which there are or have been objective conditions or
 27 symptoms proven, not within the physical or mental control of the
 28 employee. ~~himself.~~

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